



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

TDD (804) 698-4021

www.deq.virginia.gov

L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4020
1-800-592-5482

Public Notice – Environmental Regulation

Notice of action: The State Water Control Board is considering the amendment of a regulation on water quality to protect Eastern Shore waters for clams and oysters. A regulation is a general rule governing people's rights or conduct that is upheld by a state agency.

Regulation name: **Protection of Eastern Shore Tidal Waters for Clams and Oysters 9VAC25-260-275.**

Purpose of notice: The board is seeking comments through the Department of Environmental Quality on 1) the proposal 2) the costs and benefits of the proposal 3) effects of the proposal on farm and forest land preservation and 4) impacts on small businesses.

Public comment period: December 22, 2008 to February 20, 2009

Public hearing: Northampton County High School Auditorium in Eastville, VA on January 28, 2009 at 6:00 p.m. A question and answer period will be held one half hour prior to the beginning of the public hearing.

The board will hold a formal hearing at a time and place to be established, if a petition for such a hearing is received and granted. Affected persons may petition for a formal hearing concerning the legal validity of the proposed action. Petitions must meet the requirements of Title 9, Agency 25, Chapter 230 of the Virginia Administrative Code and must be received by the DEQ contact person by January 21, 2008.

Public comment stage: Notice of Public Comment.

Description of proposed regulation: To provide additional water quality protection for clams and oysters in waters on the Eastern Shore of Virginia and to ensure that the wastewater management disposal alternative chosen for that area has less of an environmental impact than other alternatives. The purpose of the proposal is to reduce condemnations of shellfish waters on the Eastern Shore so more waters may be protected for clam and oyster production, including aquaculture.

Locality particularly affected: Accomack and Northampton Counties and the Towns of Accomac, Belle Haven, Bloxum, Cape Charles, Cheriton, Chincoteague, Eastville, Exmore,

Hallwood, Keller, Melfa, Nassawadox, Onancock, Onley, Painter, Parksley, Saxis, Tangier, Wachapreague.

How to comment: The DEQ accepts written comments by e-mail, fax and postal mail. All written comments must include the full name, address and telephone number of the person commenting and be received by DEQ by 5 p.m. on the last day of the comment period. Both oral and written comments are accepted at the public meeting. DEQ prefers the submittal of written comments, including a copy of supporting documents or exhibits. All testimony, exhibits and documents received are part of the public record.

How a decision is made: After comments have been considered, the board will make the final decision. Citizens that submit statements during the comment period may address the board members during the board meeting at which a final decision is made on the proposal.

To review regulation documents: The proposal and an analysis conducted by DEQ (including a statement of purpose, a statement of estimated impacts and benefits of the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of alternative approaches), are available on the Town Hall web site at www.townhall.virginia.gov (search 'Eastern Shore' and click on 'Regulatory Actions') or directly at:

<http://www.townhall.virginia.gov/L/viewstage.cfm?stageid=4677&display=documents> or by contacting the DEQ representative named below. The public may also review the documents at the following location: DEQ, 629 East Main Street, Richmond, VA 23219, room 917.

Contact for public comments, document requests and additional information:

Elleanore Daub, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219; Phone: (804) 698-4111; E-mail: emdaub@deq.virginia.gov ; Fax: (804) 698-4116.